IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

THOMIS D. BALL,)
Plaintiff,) Case No. 2:10CV00065
v.) JUDGMENT
COMMISSIONER OF) By: James P. Jones
SOCIAL SECURITY,) United States District Judge
)
Defendant.)

It appearing that no objections have been timely filed to the Report filed August 22, 2011, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

- 1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
 - 2. The motions for summary judgment by the parties are DENIED;
- 3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
 - 4. This case is closed.

ENTER: November 14, 2011

/s/ James P. Jones

United States District Judge